

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION**

DEBBIE PLUCKER,

Plaintiff,

vs.

UNITED FIRE & CASUALTY COMPANY,

Defendant.

Civ. 12-4075

**AFFIDAVIT OF COUNSEL IN
RESPONSE TO COURT'S ORDER
AWARDING ATTORNEYS' FEES**

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF MINNEHAHA)

COMES NOW Robert D. Trzynka, after first being duly sworn, and deposes and states as follows:

1. I am an attorney with the law firm of Cutler & Donahoe, LLP, and am one of the attorneys representing the Plaintiff in the above-entitled matter. I am a 2011 graduate of the University of South Dakota School of Law. Following employment with Mike Abourezk at Abourezk & Garcia, I began practicing with the Cutler & Donahoe law firm in August 2012.

2. I worked with Michael D. Bornitz, who is also an attorney representing Plaintiff in the above-entitled matter. Mr. Bornitz was admitted to practice law in South Dakota in 1996 and is an attorney and partner at the Cutler & Donahoe law firm.

3. I make this Affidavit in response to the Court's Order awarding reasonable attorneys' fees in connection with Plaintiff's Motion to Compel (Doc. 29).

4. Attached as Exhibit A is a statement of attorney's fees and expenses that have been incurred by Plaintiff in the above-entitled action in the pursuit of his Motion to Compel. From my personal knowledge the amounts charged are fair and reasonable. A summary of those charges are listed as follows:

Attorney's fees:

Four and Ninety-Five Hundredths (4.95) Hours at \$225	\$1,113.75
Sixty-Nine and One Tenths (69.1) Hours at \$175	\$12,092.50
<u>Sales tax on attorney's fees (6%)</u>	<u>\$792.38</u>

TOTAL	\$13,998.63
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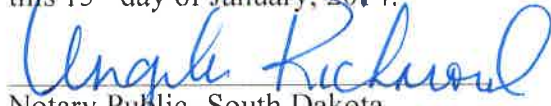
5. The total amount of fees set forth in Exhibit A above represents 69.1 hours expended by the undersigned and 4.95 hours by Mr. Bornitz in researching and preparing the initial Motion to Compel, Brief in Support of Plaintiff's Motion to Compel and Affidavit of Counsel, and reviewing and responding to Defendant Response to Plaintiffs' Motion to Compel.

Dated this 15th day of January, 2014.



Robert D. Trzynka

Subscribed and sworn to before me
this 15th day of January, 2014.



Notary Public- South Dakota

My commission expires: 3-13-2019

<SEAL>



CERTIFICATE OF SERVICE

I certify that on the 15th day of January, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the appropriate parties:

- **Lon Kouri**
LKouri@mayjohnson.com
- **Eric DeNure**
edenure@mayjohnson.com

/s/Robert D. Trzynka
Michael D. Bornitz
Robert D. Trzynka
Cutler & Donahoe, LLP
100 N. Phillips Avenue, 9th Floor
PO Box 1400
Sioux Falls, SD 57101-1400
Telephone: (605) 335-4950
Facsimile: (605) 335-4961
Attorneys for Plaintiff